

REMARKS

Reconsideration of the present application in view of the foregoing amendments and following remarks is respectfully requested. Following the decision by the Board of Patent Appeals, an Office Action was issued with a new set of rejections and objections. The disclosure was objected to due to informalities in the text. Applicant has amended the second full paragraph on page 8 to correct the date "May 2, 1998", to "May 2, 2000" and the date "February 3, 2000" to "February 3, 1998" to comply with the remainder of the text and with FIG. 6. This amendment to the specification should address this objection.

The drawings were objected to for failing to show every feature of the claimed invention. It was stated that all of the features of claims 5 and 6 were not shown in the drawings, but there was no indication as to which features were absent. It has been assumed that the objection was based on the definition of the YYYYDDD date format in the claims, while the date format in FIG. 5 is CYY DDD. Applicant has amended FIG. 5 to refer to the YYYYDDD format in the alternative (i.e., in the parenthetical expression). Support for this amendment is at page 8, lines 3-11, which refers to the alternative date formats, and lines 14-16, in which reference is made to the YYYYDDD format in FIG. 6, coupled with the procedure illustrated in the flow chart of FIG. 5.

It has also been assumed that the objection to the drawings is based on the subtraction steps recited in claim 6, while the flow chart of FIG. 5 refers only to adding steps (as recited in claim 5). Thus, Applicant proposes a further

amendment to FIG. 6 to provide subtraction as an alternative operation to the adding steps presented the flow chart. Support for this amendment is also found at page 8, such as at lines 12-16.

It is believed that this amendment to FIG. 5 obviates any objections to the claims or figures that have been or may be raised. The changes to FIG. 5 also avoids the necessity of adding a new figure, since such a figure would be substantially a duplicate of FIG. 5 and would not provide any greater guidance to understanding the invention than the amended FIG. 5 presented here.

Claims 5 and 6 were rejected under 35 U.S.C. §101, presumably as directed to non-statutory subject matter. Within that rejection, discrepancies in claim 6 were noted that are believed to fall under Section 112. In particular, the use of the term "sum" in claim 6 was pointed out to be in error since this claim concerns subtraction of date files. Thus, Applicant has amended claim 6 to replace the reference to a "sum" with the recitation of a "difference" that results from the subtraction step recited in that claim. Applicant has also corrected claim 6 to refer to subtracting from, rather than to as originally worded. Thus, claim 6 should be definite for purposes of 35 U.S.C. §112.

The explanation of the Section 101 rejection of claim 5 is difficult to understand since it appears to be combined with a rejection under Section 112. As best understood, claim 5 was rejected on the grounds that adding two dates lacks any practical application. This rejection seems to be based on a misunderstanding of the term "date files" in claim 5. Specifically, it seems that

the charge of lacking practical application is based on the assumption that a "date file" only means a calendar date (such as May 2, 2000) and that adding or subtracting calendar dates is pointless.

However, Applicant's invention utilizes "date files" that carry a broader meaning than that which is ascribed in the Office Action. In particular, as used in the specification and claims, a "date file" can correspond to a particular calendar date (such as May 2, 2000) as well as to a particular number of years and days to be added or subtracted to or from a particular date (such as 4 years 300 days). In the context of the subtraction feature of claim 6, it is clear that both a calendar date a years/days date file can be equally well subtracted from a date file. Of course, in the context of claim 5, adding two calendar dates (such as adding May 2, 2000 to February 3, 1998) makes no sense.

However, the specification interchangeably refers to a date file as including a calendar date or a period of time (years/days). See, e.g., page 7, lines 15-22, describing the date addition feature of the invention and referring to step S3 of FIG. 5 which processes "the last three integers in the file". In addition, the example at page 7, lines 11-14 shows a date file of "002200", corresponding to 2 years and 200 days, that is added to the date file "299001", corresponding to January 1, 1999 (in the 6-digit format).

Thus, contrary to the implication in the Section 101 rejection, the term "date file" in claims 5 and 6 can refer to a file storing a calendar date or a file storing a period of time in years and days. With this correct understanding of the

terminology of Applicant's invention, it can be seen that claim 5 in fact contemplates adding a "date file" containing a period of time in years and days to a "date file" containing a calendar date. There is clearly a practical application for adding a number of years and days to a calendar date. The language of claim 5 permits the addition of any two date files, including two date files storing years and days, as well as two date files storing calendar dates. The first instance involves adding two sets of years and days, which would yield a sum of years and days, and which has a practical application. The last example of adding two calendar dates may not have a practical application as presently understood. However, the fact that one of the three operations under claim 5 apparently lacks practical application does not diminish the fact that two of the three operations under this claim do have practical applications.

In other words, claim 5, as written and when properly understood, recites a series of operational steps that have a clear practical application. The proposed changes to claim 5 do not improve the clarity of claim 5 and are not believed to be necessary.

In view of the foregoing amendments and remarks, it is believed that the present application is in condition for allowance. All of the prior art rejections have been dispensed with in the decision by the Board, so no issues remain to stand in the way of passing this application to allowance. In view of the extremely lengthy and arduous prosecution of this application, it is respectfully requested that the rejections be withdrawn and that action be taken to grant Applicant his patent on this invention.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael D. Beck". The signature is fluid and cursive, with the first name "Michael" being more prominent.

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